

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

ROBERT BOWERS

Criminal No. 18-292

NOTICE BY UNITED STATES REGARDING PHYSICAL EVIDENCE REVIEW

AND NOW comes the United States of America, by its attorneys, Scott W. Brady, United States Attorney for the Western District of Pennsylvania, Troy Rivetti and Soo C. Song, Assistant United States Attorneys for said district, and Julia Gegenheimer, Special Litigation Counsel, Civil Rights Division, and hereby files this Notice Regarding Physical Evidence Review:

As explained in Doc. No. 197 at 5 n.4, after months of litigation and the expenditure of inordinate time and effort, the review of physical evidence by defense counsel was finally scheduled to occur on February 25-27, 2020. In connection with that review, and as an aid to defense counsel, the United States provided an index of each item that would be made available for review by defense counsel, as well as a photograph of each item. The parties met in person on February 11, 2020, to discuss the logistics of the evidence review, among other matters.

Unfortunately, on February 26, 2020, at 10:40 a.m. – less than 2 days into the anticipated 3-day evidence review – defense counsel announced that they were suspending their review of the evidence, asserting that their decision was based on unspecified defense strategy and deliberations, and stating that they would return at an unspecified time in the coming months. Counsel for the United States explained that the FBI had assembled a team of personnel to accomplish the numerous tasks attendant to signing out the hundreds of items of evidence and organizing the items for defense counsel’s review, and that it was not reasonable for defense counsel to unilaterally and

abruptly cancel the remainder of the physical evidence review. The United States requested that defense counsel continue with the scheduled evidence review, but that request was unavailing.

The United States again objects to defense counsel's ongoing, apparent strategy of unreasonable demands and intentional delay. The United States hereby provides notice that, notwithstanding the United States ongoing efforts, the physical evidence review remains unaccomplished due to defense counsel's refusal to proceed.

Respectfully submitted,

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